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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,625	08/11/2003	Jonathan Hui	03630.000203.1	2096
5514	7590	11/13/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			BANTAMOI, ANTHONY	
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER
NEW YORK, NY 10112			2423	
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/637,625	Applicant(s) HUI ET AL.
	Examiner ANTHONY BANTAMOI	Art Unit 2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 September 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to independent claims 1, 7, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-6 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter as follows.

Claim 1 recites an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is structured for display on a display surface of a computer wherein the XML-based tag comprises which is not a process, machine, manufacture or composition of matter and is thus non-statutory.

Claim 2 recites an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is structured for display on a display surface of a computer wherein the XML-based tag comprises which is not a process, machine, manufacture or composition of matter and is thus non-statutory.

Claim 3 recites an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is

structured for display on a display surface of a computer wherein the XML-based tag comprises which is not a process, machine, manufacture or composition of matter and is thus non-statutory.

Claim 4 recites an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is structured for display on a display surface of a computer wherein the XML-based tag comprises which is not a process, machine, manufacture or composition of matter and is thus non-statutory.

Claim 5 recites an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is structured for display on a display surface of a computer wherein the XML-based tag comprises which is not a process, machine, manufacture or composition of matter and is thus non-statutory.

Claim 6 recites an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is structured for display on a display surface of a computer wherein the XML-based tag comprises which is not a process, machine, manufacture or composition of matter and is thus non-statutory.

Claim 19 recites an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is structured for display on a display surface of a computer wherein the XML-based tag

comprises which is not a process, machine, manufacture or composition of matter and is thus non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephen Bugaj et al in the publication titled Synchronized Multimedia Integration Language, November 1997, edited by Phillip Hoscha (09/09/1997) in view of Hickman US Patent Publication 2007/0294334, in view of Toklu et al US Patent 6,724,915 (hereafter referenced as Bugaj, Hickman and Toklu).

Regarding claim 1, Bugaj in section 2, 1-4 discloses SMIL (synchronized media integration language) for integrating a set of independent multimedia objects into a synchronized multimedia presentation such as slide show synchronized with audio comments or a video synchronized with text stream, in section 3, 1 Bugaj discloses that a SMIL document is an XML-based document, in section 4 Bugaj disclose the general syntax of a SMIL document comprising a header and a body wherein both parts contain elements and attributes which reads on "an XML-based tag for a visual cue associated to a visual element of an XML-based multimedia presentation, wherein the multimedia presentation is structured for display on a display surface of a computer wherein the

XML-based tag comprises: an element attribute that defines the visual representation of the visual cue".

In section 5, General Semantics, 1-6 Bugaj disclose a layout section of a SMIL document including alternative layout elements embedded in a switch element used to determine the placement of the presentation which reads on "attribute that defines the spatial characteristics of the visual cue", in section 6, General Semantics, 1 Bugaj discloses a schedule element which determines the temporal behavior of the SMIL document which reads on "and an element attribute that defines temporal characteristics of the visual cue". In section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes which reads on "wherein the defined temporal and spatial characteristics of the visual cue are relative to the temporal and spatial characteristics of the associated visual element."

Bugaj is silent about wherein the computer superimposes the visual cue's display is the associated visual element in the multimedia presentation with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the defined temporal characteristics of the visual cue; and data location over the associated visual element based on the defined spatial characteristics of the visual cue.

Hickman teaches displaying an icon on a rectangular page display area on the monitor of a client computer which meets "wherein the computer superimposes the

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visual cue's display is the associated visual element in the multimedia presentation" (Para. 0051) as shown in (figure 3. labels 74, & 80).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj to include wherein the computer superimposes the visual cue's display is the associated visual element in the multimedia presentation as taught by Hickman in order to a client computer user to access, diagnose and fix problems on a host computer remotely.

Bugaj and Hickman are silent about with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the defined temporal characteristics of the visual cue; and data location over the associated visual element based on the defined spatial characteristics of the visual cue.

Toklu teaches tracking an object in an image sequence in between two time instances which meets "with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the defined temporal characteristics of the visual cue" (column 11, 19-21: Toklu further teaches using the location and shape of the object to track the object between the given time instances which meets "and data location over the associated visual element based on the defined spatial characteristics of the visual cue" (column 11, 21-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj and Hickman to include with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the defined temporal characteristics of the visual cue; and data

location over the associated visual element based on the defined spatial characteristics of the visual cue as taught by Toklu in order to provide a real-time approach of tracking objects in a complex environment (column 11, 22-24).

Regarding Claim 2, Bugaj in section 6.1, General Semantics, 3 discloses schedule elements including begin and end times and in section 6.2 page 8, 3 Bugaj discloses duration as the difference between the end times and begin time of an element, which reads on "An XML-based tag as defined further wherein temporal characteristics include begin time, end time, and duration."

Regarding Claim 3, Bugaj in section 6.4, Syntax discloses an image element tagged as an XML media object element.

Bugaj and Hickman are silent about wherein visual representation includes color. Toklu teaches color intensity inside the boundary of an object which meets "wherein visual representation includes color" (column 6, 39-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj and Hickman to include wherein visual representation includes color as taught by Toklu in order to provide a real-time approach of tracking objects in a complex environment (column 11, 22-24).

Regarding Claim 4, Bugaj in section 6.4, Syntax discloses an image element which reads on "An XML-based tag as defined wherein visual representation includes shape."

Regarding Claim 5, in section 5, General Semantics, 1-6 Bugaj disclose a layout section of a SMIL document including alternative layout elements embedded in a switch

element used to determine the placement of the presentation which reads on "An XML-based tag as defined wherein spatial characteristics include position."

Regarding Claim 6, in section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes in hierachal order which reads on "An XML-based tag as defined wherein the XML-based tag for the visual cue is nested within an XML-based element that defines the associated visual element."

Regarding claim 7, Bugaj in section 7.4, page 26, 2-9 discloses a news broadcast on the web as shown in figure 7.1 to the left and right which reads on "In an XML-based browser that displays synchronized multimedia presentations to user a method for processing an XML-based tag for visual cues associated with a multimedia element comprising:"

On page 27 Bugaj discloses an XML data structure holding the elements of the of the newscast scenario written in XML code comprising elements stored in tags wherein each element has its own properly defined attribute including spatial and temporal characteristics to perform a presentation which reads on "storing information from the tag concerning the multimedia element to which the visual cue is associated, together with the information from the tag concerning visual representation and spatial and temporal characteristics of the visual cue; and in synchronization with display of the multimedia element, displaying the visual cue with the visual representation specified, and in the spatial and temporal relationships specified by the spatial and temporal characteristics."

In section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes which reads on “wherein the defined temporal and spatial characteristics of the visual cue are relative to the temporal and spatial characteristics of the associated visual element.”

Bugaj is silent about wherein the computer superimposes the visual cue's display is the associated visual element in the multimedia presentation with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the defined temporal characteristics of the visual cue; and data location over the associated visual element based on the defined spatial characteristics of the visual cue.

Hickman teaches displaying an icon on a rectangular page display area on the monitor of a client computer which meets “wherein the computer superimposes the visual cue's display is the associated visual element in the multimedia presentation” (Para. 0051) as shown in (figure 3. labels 74, & 80).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj to include wherein the computer superimposes the visual cue's display is the associated visual element in the multimedia presentation as taught by Hickman in order to a client computer user to access, diagnose and fix problems on a host computer remotely.

Bugaj and Hickman are silent about with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the

defined temporal characteristics of the visual cue; and data location over the associated visual element based on the defined spatial characteristics of the visual cue.

Toklu teaches tracking an object in an image sequence in between two time instances which meets "with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the defined temporal characteristics of the visual cue" (column 11, 19-21; Toklu further teaches using the location and shape of the object to track the object between the given time instances which meets "and data location over the associated visual element based on the defined spatial characteristics of the visual cue" (column 11, 21-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj and Hickman to include with a visual appearance based on the defined visual representation of the visual cue, during a period of time based on the defined temporal characteristics of the visual cue; and data location over the associated visual element based on the defined spatial characteristics of the visual cue as taught by Toklu in order to provide a real-time approach of tracking objects in a complex environment (column 11, 22-24).

Regarding Claim 8, Bugaj in section 6.1, General Semantics, 3 discloses schedule elements with begin and end time and in section 6.2 page 8, 3 Bugaj discloses that duration is the difference between the end time and begin time of an element, which reads on "An XML-based browser as defined further wherein temporal characteristics include begin time, end time, and duration."

Regarding Claim 9, Bugaj in section 6.4, Syntax discloses an image element tagged as an XML media object element.

Bugaj and Hickman are silent about wherein visual representation includes color. Toklu teaches color intensity inside the boundary of an object which meets "wherein visual representation includes color" (column 6, 39-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj and Hickman to include wherein visual representation includes color as taught by Toklu in order to provide a real-time approach of tracking objects in a complex environment (column 11, 22-24).

Regarding Claim 10, Bugaj in section 6.4, Syntax discloses an image attribute which reads on "An XML-based browser as defined wherein visual representation includes shape."

Regarding Claim 11, in section 5, General Semantics, 1-6 Bugaj disclose a layout section of a SMIL document including alternative layout elements embedded in a switch element used to determine the placement of the presentation which reads on "An XML-based browser wherein spatial characteristics includes position."

Regarding Claim 12, in section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes in hierachal order which reads on "An XML-based browser wherein the XML-based tag for the visual cue is nested within the XML based element that defines the associated visual element."

Claim 13 is the software that performs the steps described in claim 7. Thus claim 13 is rejected for the same reasons as claim 7.

Regarding Claim 14, Bugaj in section 6.1, General Semantics, 3 discloses schedule elements with begin and end time and in section 6.2 page 8, 3 Bugaj discloses that duration is the difference between the end time and begin time of an element, which reads on "A computer-readable medium, wherein temporal characteristics include begin time, end time, and duration."

Regarding Claim 15, Bugaj in section 6.4, Syntax discloses an image element tagged as an XML media object element.

Bugaj and Hickman are silent about wherein visual representation includes color.

Toklu teaches color intensity inside the boundary of an object which meets "wherein visual representation includes color" (column 6, 39-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj and Hickman to include wherein visual representation includes color as taught by Toklu in order to provide a real-time approach of tracking objects in a complex environment (column 11, 22-24).

Regarding Claim 16, Bugaj in section 6.4, Syntax discloses an image attribute which reads on "A computer-readable medium, wherein visual representation includes shape."

Regarding Claim 17, in section 5, General Semantics, 1-6 Bugaj disclose a layout section of a SMIL document including alternative layout elements embedded in a

switch element used to determine the placement of the presentation which reads on "A computer-readable medium, wherein spatial characteristics include position."

Regarding Claim 18, in section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes in hierachal order which reads on "A computer-readable medium according to Claim 13, wherein the XML-based tag for the visual cue is nested within an XML-based element that defines the associated visual element."

Regarding claim 19, Bugaj in section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes which reads on "An XML-based tag, wherein the temporal characteristic of the visual cue is based on the temporal characteristic of the visual element to which the visual cue is associated."

Regarding claim 20, Bugaj in section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes which reads on "An XML-based browser, wherein the temporal characteristic of the visual cue is based on the temporal characteristic of the multimedia element to which the visual cue is associated."

Regarding claim 21, Bugaj in section 7.4 page 27 Bugaj discloses a smile document for the newscast presentation illustrated in figure 7.1 page 26 wherein the layout and temporal elements are controlled by their associated attributes which reads

on "A computer-readable medium, wherein the temporal characteristic of the visual cue is based on the temporal characteristic of the multimedia element to which the visual cue is associated."

Regarding Claim 15, Bugaj in section 6.4, Syntax discloses an image element tagged as an XML media object element.

Bugaj and Hickman are silent about wherein visual representation includes color.

Toklu teaches color intensity inside the boundary of an object which meets "wherein visual representation includes color" (column 6, 39-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bugaj and Hickman to include wherein visual representation includes color as taught by Toklu in order to provide a real-time approach of tracking objects in a complex environment (column 11, 22-24).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on Monday - Friday 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272 7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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